

SECTION 5 - COMMERCIAL DISTRICTS

- * 5.1 COMMERCIAL DISTRICTS ESTABLISHED - Certain classes of Districts, designated by the symbol "C", followed by a numeral, and referred to collectively herein as "C" or Commercial Districts, are established to preserve and enhance property values by protecting residential uses from non-residential uses and by providing space in suitable locations for retail stores, offices, service establishments, wholesale and other businesses necessary to the general welfare of the City in conformance with the objectives of the Comprehensive General Plan and this Ordinance.

5.1.1 No use shall be permitted in which the nature or manner of operation shall be determined by the Zoning Administrator to be unduly detrimental or injurious to other properties in the vicinity or uses thereon or to the general public welfare by reason of the emission of odor, dust, smoke, noise, vibration, or electrical or other disturbances.

- 5.2 NEIGHBORHOOD COMMERCIAL OR C-1 DISTRICTS - The following regulations shall apply to all land located in any C-1 Districts and shall be subject to all general provisions of this Ordinance.

5.2.1 PERMITTED USES

- (a) Retail stores engaged in the selling of retail products and services, provided at least one half of their floor area is devoted to the sale of retail products, and establishments which supply personal services or commodities primarily to meet the needs of residents of the surrounding residential districts, including but not limited to art, appliance, hardware and variety stores, bakeries, dry cleaning for the retail trade only, hair cutting shops, food and drug stores, restaurants, and tailor shops.
- (b) Accounting, law, investment, real estate, medical offices, and general business offices when located above the ground floor; and such uses on the ground floor when not replacing a use permitted by Section 5.2.1(a).
- (c) Signs as classified and regulated in the Sign Ordinance of the City.
- (d) Parks and playgrounds and other public recreation facilities.

- 5.2.2 CONDITIONAL USES - The following Conditional Uses shall be permitted only when authorized by a Conditional Use Permit issued in accordance with the provisions of Section 11 herein:

- (a) Automobile service stations as regulated by Section 19.
- * (b) Automobile parking lots (commercial) not associated with a use on site.

*Amended by Ord. #781, 12/10/87

- * (c) Temporary uses regulated by Section 9.5.2(d).
- (d) Churches and other religious institutions which do not provide sleeping accommodations.
- * (e) Pet stores.
- * (f) Uses which require exterior-mounted refrigeration or mechanical equipment capable of creating noise or venting vapor or odors, within 100 feet of an area designated for residential use on the general plan.
- * (g) Public buildings and grounds utility and service structures, when found by the Commission to be necessary for the public health, safety, or welfare.
- * (h) Private clubs and lodges and philanthropic institutions which do not provide sleeping accommodations.
- * (i) Public and private libraries, and museums.
- * (j) Any use conducted outside of a completely enclosed building and any use involving storage of materials or merchandise outside of a completely enclosed building.
- * (k) Any use conducted before 7 am or after 11 pm.
- (l) Incidental and accessory structures and uses located on the same site with, and necessary to, the operation of a Conditional Use.
- ** (m) Car wash, not to exceed four (4) stalls, coin operated self-service type not including the use of mechanical conveyors, blowers, or steam cleaning, when included within a group of permitted neighborhood retail and service establishments located together within a single parcel of land at least five (5) acres in size.
- *** (n) Temporary circuses and carnivals.
- **** (o) Other uses, which in the opinion of the Planning Commission, are similar to those listed Permitted Use.

* Amended by Ord. #781, 12/10/87

** Amended by Ord. #420, 4/28/69

*** Amended by Ord. #470, 6/14/71

**** Amended by Ord. #477, 11/8/71

City of Belmont Zoning Ordinance

- * (p) Taverns and lounges.
- ** (q) In existing buildings, replacement of uses permitted by Section 5.2.1(a) by accounting, law, investment, real estate, medical, professional, or general business office uses at the ground floor.
- *** (r) In a new building, establishment of accounting, law, investment, real estate, medical, professional, or general business office uses at the ground floor.
- *** (s) New buildings and building additions.

5.2.3 PROHIBITED USES

- ** (a) Establishments of the drive-in type offering goods or services to the customers waiting in parked automobiles shall not be permitted except as otherwise provided herein.
- (b) There shall be no manufacturing processes or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises.
- (c) Self-service sales of, or automatic dispensing of flammable or dangerous liquids or hazardous materials are specifically prohibited except for supervised sales of gasoline dispensed directly into a vehicle.

5.2.4 AUTOMOBILE PARKING AND LOADING FACILITIES - Parking and loading facilities shall be provided in accordance with the provisions of Section 8 of this Ordinance.

5.2.5 FLOOR AREA RATIO - The maximum floor area ratio in the C-1 Districts shall be 0.8.

5.2.6 TRANSITIONAL YARDS - Transitional yards shall be provided according to the regulations as set forth in Section 9.7.5 herein.

5.2.7 DESIGN REVIEW - All exterior modifications shall be subject to design review as prescribed in Section 13.

* Amended by Ord. #573, 5/10/70; Ord. #781, 12/10/87

** Amended by Ord. #622, 4/10/78; Ord. #781, 12/10/87

*** Added by Ord. #781, 12/10/87

* 5.2.8 LANDSCAPING - All new structures established in this District shall be subject to landscaping requirements as prescribed in Section 13.3 of this Ordinance, and shall provide a 10 foot deep landscaped area between the public sidewalk and the parking lot and building improvements.

5.2.9 BUILDING HEIGHT - No building shall exceed 28 feet in height.

5.3 GENERAL COMMERCIAL OR C-2 DISTRICTS - The following regulations shall apply to all land located in any C-2 Districts and shall be subject to all the general provisions of this Ordinance.

5.3.1 PERMITTED USES

(a) Any use which is a Permitted Use in the Neighborhood Commercial C-1 Districts.

5.3.2 CONDITIONAL USES - The following Conditional Uses shall be permitted upon the granting of a Use Permit in accordance with the provisions of Section 11 of this Ordinance.

(a) Any use which is a Conditional Use in the Neighborhood Commercial, C-1 Districts.

(b) Automobile rental agency.

** (c) Auto accessory stores.

** (d) Commercial amusement, entertainment, and health club enterprises.

** (e) Private clubs and lodges, including the serving of food and beverages to members and their guests, and including such other facilities customarily provided for the comfort and convenience of the membership.

*** (f) Indoor theaters.

*** (g) Any permitted use in any Residential (R) Districts.

*** (h) Pawn shops and second hand stores.

** (i) Automobile sales lots.

** (j) Commercial parking lots.

* Amended by Ord. #651, 1/22/79; Ord. #781, 12/10/87

* Amended by Ord. #784, 2/11/88

*** Amended by Ord. #781, 12/10/87

- * (k) Gasoline stations or businesses offering self-service sales of, or automatic dispensing of, flammable or dangerous liquids or hazardous materials.
- * (l) Restaurants which sell predominantly take-out meals or provide drive-in or drive-through service.
- ** (m) Floor area transfer within and adjacent to the CBD General Plan Land Use designation areas.
- * 5.3.3 AUTOMOBILE PARKING AND LOADING FACILITIES - Parking and loading facilities shall be provided in accordance with the provisions of Section 8 of this Ordinance.
- * 5.3.4 FLOOR AREA RATIO - The maximum floor area ratio in the C-2 Districts shall be 1.2.
- * 5.3.5 TRANSITIONAL YARDS - Transitional yards shall be provided according to the regulations as set forth in Section 9.7.5 herein.
- * 5.3.6 DESIGN REVIEW - All exterior modifications shall be subject to design review as prescribed in Section 13 of this Ordinance.
- *** 5.3.7 LANDSCAPING - All new structures established in this District shall be subject to landscaping requirements as prescribed in Section 13.3 of this Ordinance.
- *** 5.3.8 BUILDING HEIGHT - No building shall exceed 28 feet in height.
- **** 5.3.9 DOWNTOWN SPECIFIC PLAN AREA ZONING REGULATIONS - The regulations of Section 5.3.10 through 5.3.18 shall apply to all land located in any General Commercial, C-2, District within the Downtown Specific Plan Area as set forth in the Downtown Plan Zoning Policy Map Figure 7.1 and Land Use Policy Map Figure 5.1 together with all the general provisions of this Ordinance unless otherwise noted and in the event of conflict these regulations shall prevail.
- *** 5.3.10 PERMITTED USES
 - (a) Any use which is a Permitted Use identified in Section 5.3.1 of this Ordinance.

* Amended by Ord. #784, 2/11/88

** Added by Ord. #912, 11/7/96

*** Amended by Ord. #641, 1/22/79; Ord. #784, 2/11/88

**** Added by Ord. #841, 5/23/91

- (b) On sites designated (CBD) Central Business District in the Downtown Specific Plan up to 3,000 square feet on the first floor building area within Block #2 of the Village Center is permitted to be used for banking services.
- (c) On sites designated (C/R) Commercial Residential in the Downtown Specific Plan, multi-family residential dwelling units are permitted provided they are consistent with the standards set forth in Section 5.3.18 of this Ordinance.

* 5.3.11 **CONDITIONAL USES** - The following Conditional Uses shall be permitted only when authorized by a Conditional Use Permit issued in accordance with the provisions of Section 11 herein.

- (a) Any use which is a Conditional Use listed in Section 5.3.2 of this Ordinance exclusive of the specific provisions for permitted multi-family residential use provided in Sections 5.3.10(c) & 5.3.11(b) of this Ordinance.
- (b) Multi-family residential within the C-2 District subject to the provisions of Section 5.3.18 of this Ordinance.

** 5.3.12 **AUTOMOBILE PARKING AND LOADING FACILITIES** - Shall be provided in accordance with the provisions of Section 8 of this Ordinance and by Table 6.5, **PARKING GUIDELINES**, Downtown Specific Plan. Landscape and lighting of parking areas shall incorporate the provisions of Section 4.7.3 and 4.7.4 Downtown Specific Plan **SITE PLANNING AND DESIGN OBJECTIVES** into the design of parking areas. A minimum of 50% of the required parking shall be provided on the ground floor on sites designated C/R.

** The **PARKING CONSTRAINTS AND OPPORTUNITIES**, Downtown Specific Plan shall be employed during City review of a parking variance request in the Downtown Specific Plan Area.

** 5.3.13 **FLOOR AREA RATIO** - The maximum commercial floor area ratio shall be 0.5. On sites designated C/R in the Downtown Specific Plan, mixed residential/commercial uses shall be a maximum 1.0 for the residential use and 0.5 for the commercial use for a combined 1.5 maximum FAR. A 0.75 FAR is permitted on sites of one acre or greater which are designated CBD in the Downtown Specific Plan.

* Amended by Ord. #741, 1/22/79; and Ord. #784, 2/11/88

** Added by Ord. #841; 5/23/91.

*

- A. Floor Area Transfer – The permanent transfer of floor area development potential from a parcel within the Central Business District (CBD) Land Use portion of the C-2 Zoning District to another site within or adjacent to the CBD area shall be permitted upon approval of a conditional use permit by the Planning Commission.

Floor area transfer permits are subject to the following:

1. Application Requirements – A conditional use permit application for floor area transfer shall be accompanied by the following:
 - a. Map showing the location and boundaries of the proposed sending and receiving sites.
 - b. Table showing the maximum floor area allowed on both the sending and receiving sites, the current total floor area used on the sending site, and the proposed total floor area on the receiving site.
 - c. A design review application for the receiving site.
 - d. A signed contractual agreement with the owner of the sending property to transfer floor area to the owner of the receiving site, and agreeing to record a deed restriction on the sending site reducing development potential by the amount to be transferred.
 - e. A statement indicating why the floor area to be transferred will not be used on the sending site.
2. Standards for Floor Area Transfer
 - a. Floor area and development rights transfer shall be by recordation of a deed of development rights transfer on each lot describing the transfer between the owners of the sending and receiving sites.
 - b. No landscape variances are created as a result of the floor area transfer.
 - c. Parking standards will be met or an application for a variance has been approved prior to action on the Conditional Use Permit.
 - d. The transferring and receiving sites are located within the CBD identified in the Downtown Specific Plan or

* Added by Ord. #912, 11/7/96

adjacent thereto, and are south of Ralston Avenue and west of El Camino Real.

- e. For increases in building size of up to 30% landscaping shall provide for all trees to be 24" box specimens and all shrubs to be 5 gallons in size.
- f. For increases in building size of up to 60% the development shall conform to 2e above plus include detailed window framing, cornice moldings and parapet treatments, and two additional traditional decorative architectural features consistent with the architectural theme zone.
- g. For increases over 60% the development shall conform to 2e and 2f above plus be highly articulated such that no continuous wall segment is over 20 feet in length, to avoid long continuous walls.

3. Conditional Use Permit Findings Required for Approval

- a. The proposed transfer of floor area and resulting development will be consistent with the Policies of the Downtown Specific Plan.
- b. The transfer of floor area to the receiving site will facilitate implementation of the Downtown Specific Plan and will assist in obtaining compliance with the land use and design standards therein.
- c. All floor area transfer standards will be met

4. City Council Notification and Call Up

- a. A notice of public hearing before the Planning Commission shall be delivered to the City Clerk for distribution to the City Council at the same time as general public noticing occurs.
- b. Within two days following action of the Planning Commission on the requested floor area transfer, a Notice of Action shall be sent to the applicant and delivered to the City Clerk for distribution to the City Council.
- c. Within ten (10) days following the date of the Notice of Action, a Council member may initiate proceedings to call up the matter.

Said call up shall be governed by the following procedures:

1. The request for call up by a Council member must be made by written notice. Said notice shall be served on the City Clerk. The Clerk shall notify the applicant of the call up.
2. Upon service of said notice of call up by the City Council, all proceedings in furtherance of the Notice of Action shall be stayed.
3. The Council shall hear the matter not later than thirty (30) days following service of Notice of Call Up.
4. Upon completion of its review, the Council may affirm, reverse, or modify the decision of the Commission.

* 5.3.14 DESIGN REVIEW - All exterior modifications and new construction shall be subject to the Design Review process defined in Section 13 of this Ordinance. The specific architectural, landscaping, open space, and height and bulk standards shall be as identified in Sections 5.3.15, 5.3.16, and 5.3.17 in this Ordinance.

* 5.3.15 LANDSCAPING - Projects involving the construction of new floor area shall provide a minimum of 10 percent of the site in landscaping. Projects involving the construction of one or more new buildings shall provide 15 percent of the site in landscaping. A minimum of one tree shall be provided for each 400 square feet of landscape area. Additional landscaping requirements are identified in Section 5.3.16 of this Ordinance. Within the Village Center area designated CBD in the Downtown Specific Plan a landscaped public plaza of 2,500 square feet shall be provided, and development standards identified in Policy 4.4.9, Downtown Specific Plan and Policy 3.5.4, Downtown Specific Plan shall be incorporated into project design.

* 5.3.16 BUILDING HEIGHT AND BULK - The maximum permitted building height shall conform to Figure 4.2 BUILDING HEIGHT AND BULK MAP, Downtown Specific Plan. Figure 4.2 shall be used in conjunction with the BUILDING LINE AND FRONTAGE, Figure 4.3, Downtown Specific Plan and Table 4.2 BUILDING LINE, FRONTAGE AND SETBACK GUIDELINES, Downtown Specific Plan to identify site specific development and landscaping standards. The STREETSCAPE, OPEN SPACE AND LANDSCAPE MAP, Figure 4.1,

* Added by Ord. #841, 5/23/91

Downtown Specific Plan, shall be used to identify additional landscaping requirements, right-of-way treatment, street lighting and furniture and decorative paving requirements.

- * 5.3.17 ARCHITECTURAL THEME ZONES - Architectural style, building components and sign requirements for exterior modifications and new construction shall conform to FIGURE 4.4, Downtown Specific Plan. The Design Guidelines identified in Section 4.7.3 and 4.7.4 SITE PLANNING AND DESIGN OBJECTIVES of the Downtown Specific Plan, shall be incorporated into project design.
- * 5.3.18 RESIDENTIAL SITE DEVELOPMENT STANDARDS - Residential development within the Downtown Specific Plan shall conform to the following:
 - (a) Maximum residential density of 30 units per net acre (1,450 square feet of net lot area per unit.
 - (b) Minimum setback requirements: Setbacks shall be 15 feet front yard; 6 feet plus 2 feet per each additional story above two stories, side yard; and 15 feet rear yard. Setbacks shall be further defined by Section 5.3.17 of this Ordinance.
 - (c) Minimum lot size shall be 7,200 square feet.
 - (d) Minimum lot width shall be 60 feet.
 - (e) Minimum lot frontage shall be 72 feet.
 - (f) Building height shall conform to the provisions of Section 5.3.16 of this Ordinance.
 - (g) Maximum floor area ratio is 1.0.
 - (h) Open Space: A minimum of 300 square feet of open space area shall be required for each dwelling unit on the ground floor, plus 150 square feet of open space area for each unit above the ground floor, Roof decks, balconies, or other open structural open areas which are improved for outdoor living may be used to satisfy the open space requirements for above ground floor units. Ground floor open space areas shall be a minimum of 10 feet in average width and a minimum of 20 feet in average length.
 - (i) Landscaping: Landscaping shall be as prescribed by Section 5.3.15 of this Ordinance.

* Added by Ord. #841, 5/23/91

- (j) Parking: Off-street parking shall be provided in accordance with the provisions of Section 5.3.12 of this Ordinance.
- (k) Design Review: Design review shall be as prescribed in Section 5.3.14 of this Ordinance.

5.4 HIGHWAY COMMERCIAL OR C-3 DISTRICTS – The following regulations shall apply to all land located in any C-3 District and shall be subject to all the general provisions of this Ordinance.

* 5.4.1 PERMITTED USES

- (a) Any use which is a Permitted Use in any C-1 District.

- ** (b) Retail stores and service establishments which supply commodities or provide services primarily to meet the needs of the community and the traveling public, including but not limited to:

Automobile and trailer sales, new or used

Boat showrooms

Building material sales, where all storage of materials is within a building

New and Used furniture

Swimming pool sales and service

Sign shop

- ** (c) Accounting, law, investment, real estate, medical, professional, or general business office uses.

*** 5.4.2 CONDITIONAL USES - The following Conditional Uses shall be permitted upon the granting of a Use Permit in accordance with the provisions of Section 11 of this Ordinance.

- (a) Any use which is a Conditional Use in the General Commercial or C-2 Districts.

- (b) Ambulance Service.

- ** (c) Automobile washing business, including the use of the mechanical conveyors, blowers and steam cleaning.

- (d) Drive through establishments offering foods or service to customers in automobiles.

* Amended by Ord. #470, 6/14/71; Ord. #474, 4/28/71; and Ord. #627, 6/12/78

** Amended by Ord. #784, 2/11/88

*** Amended by Ord. #638, 7/10/76; Ord. #394, 5/27/68; and Ord. #627, 6/12/78

- (e) Mortuary.
- (f) Motel.
- (g) Storage warehouse for the storage of household goods and furniture.
- (h) Machinery sales, rental and service, when conducted wholly within an enclosed building.
- (i) Animal Clinic.
- (j) Vehicular repair shops except vehicle body repair and painting.
- (k) Vehicular towing operations.
- * (l) Cabarets.
- * (m) All structures exceeding 28 feet or two stories in height.

** 5.4.3 CONDITIONS OF USE

- ** (a) There shall be no manufacturing processes or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises.
- ** (b) Vehicular Repair Shops.
 - 1. Such use shall be permitted when located at least 500 feet away from another similar use.

Said distance shall be calculated as a straight line measured along the street upon which the property has frontage and between the closest property lines of these subject uses. When similar uses have frontage on different streets, such uses shall only be permitted when located at least 100 feet from another similar use. Said distance shall be calculated as a straight line measured between the closest property lines of the subject uses.
 - ** 2. Uses located within 1,000 feet of a residentially zoned district shall not conduct operations before 6:00 a.m. or after 9:00 p.m., Monday through Saturday, and shall not conduct operations before 12:00 noon or after 6:00 p.m. on Sundays. Signs on such

* Amended by Ord. #784, 2/11/88.

** Amended by Ord. #470, 6/14/71 and by Ord. #627, 6/12/78.

sites should not be lighted between the hours of 9:00 p.m. and 6:00 a.m.

3. No repairs or service shall be conducted on public streets or rights-of-way.
4. Adequate off-street parking be provided for in accordance with Section 8 herein.
5. An area enclosed by a six-foot high fence shall be provided for stored vehicles.
6. A six-foot high enclosed trash area shall be provided.

*

(c) Vehicular Towing Operations

1. Such operations and uses shall be conducted wholly within the C or M District with the exception of individual vehicle pickup. Any such use shall be located at least 500 feet distance from any other similar use. Said distance shall be calculated as a straight line measured along the street upon which the property has frontage and between the closest property lines of these subject uses. When similar uses have frontage on different streets, such uses shall only be permitted when located at least 100 feet from another similar use. Said distance shall be calculated as a straight line measured between the closest property lines of the subject uses.

*

2. All such operations shall be registered to a business license, which has an address within a C-3, C-4 or M Zoning District. The said address shall be posted with the name, address and phone number of the business owner.
3. Radio transmitter/ receivers, which are mounted outside the cab of any tow truck vehicle shall not be operated within the City of Belmont.

*

4. Uses located within 1,000 feet of a residentially zoned district shall not commence operations before 6:00 a.m. or after 9:00 p.m., Monday through Saturday, and shall not conduct operations before 12:00 noon or after 6:00 p.m. on Sundays. Signs on such sites should not be lighted between the hours of 9:00 p.m. and 6:00 a.m.

* Amended by Ord. #641, 1/22/79

- 5.4.4 AUTOMOBILE PARKING AND LOADING FACILITIES - Parking and loading facilities shall be provided in accordance with the provisions of Section 8 of this Ordinance.
- 5.4.5 FLOOR AREA RATIO - The maximum floor area ratio in the C-3 Districts shall be 1.5.
- 5.4.6 TRANSITIONAL YARDS - Transitional yards shall be provided according to the regulations as set forth in Section 9.7.5 herein.
- 5.4.7 DESIGN REVIEW - All exterior modifications shall be subject to design review as prescribed in Section 13 of this Ordinance.
- * 5.4.8 LANDSCAPING - All new structures established in this District shall be subject to landscaping requirements as prescribed in Section 13.3 of this Ordinance.
- * 5.4.9 BUILDING HEIGHT - No building shall exceed 40 feet in height.
- ** 5.4.10 DOWNTOWN SPECIFIC PLAN AREA ZONING REGULATIONS - The regulations of Sections 5.4.11 through 5.4.15 shall apply to all land located in any Highway Commercial, C-3, District within the Downtown Specific Plan Area as set forth in the Downtown Plan Zoning Policy Map Figure 7.1 (pg. 7.13) and Land Use Policy Map Figure 5.1 (pg. 5.6) together with all the general provisions of this Ordinance unless otherwise noted and in the event of conflict these regulations shall prevail.
- ** 5.4.11 AUTOMOBILE PARKING AND LOADING FACILITIES - Shall be provided in accordance with the provisions of Section 5.3.12 of this Ordinance.
- ** 5.4.12 FLOOR AREA RATIO - The maximum floor area ratio shall be 0.5.
- ** 5.4.13 DESIGN REVIEW - Shall be provided in accordance with Section 5.3.14 of this Ordinance.
- ** 5.4.14 LANDSCAPING - Shall be provided in accordance with Section 5.3.15 of this Ordinance.
- ** 5.4.15 BUILDING HEIGHT AND BULK - Shall be provided in accordance with Section 5.3.16 of this Ordinance.

*Added by Ord. #784, 2/11/88.

**Added by Ord. #841, 5/23/91.

- * 5.4.16 ARCHITECTURAL THEME ZONES - Shall be provided in accordance with Section 5.3.17 of this Ordinance.
- * 5.4.17 RESIDENTIAL USE OF SITE DEVELOPMENT STANDARDS - Multi-family residential shall be governed by Section 5.3.18 of this Ordinance and single-family residential shall be governed by Section 4 of this Ordinance.
- 5.5 SERVICE COMMERCIAL OR C-4 DISTRICTS - The following regulations shall apply to all land located in any C-4 Districts and shall be subject to all the general provisions of this Ordinance.
 - 5.5.1 PERMITTED USES
 - (a) Any use which is a Permitted Use in the Highway Commercial C-3 Districts.
 - ** (b) Service and storage activities related to the residential and commercial functions of the City, including but not limited to:
 - Wholesale business supply stores
 - Wholesale Greenhouses and plant nurseries
 - Janitorial service
 - Printing, publishing and issuing of periodicals, books, stationery and other reading matter
 - Storage and warehousing
 - Wholesale establishments
 - 5.5.2 CONDITIONAL USES - The following Conditional Uses shall be permitted upon the granting of a Use Permit, in accordance with the provisions of Section 11 of this Ordinance;
 - (a) Any use which is a Conditional Use in the Highway Commercial, C-3 Districts.
 - (b) Beverages, non-alcoholic, bottling and distribution.
 - (c) Salvage and junk shop within a completely enclosed building.
 - (d) Animal hospital.
 - *** (e) Tool, die and pattern making.

* Added by Ord. #841, 5/23/91

** Amended by Ord. #862, 6/10/92

*** Amended by Ord. #784, 2/11/88

- * (f) Carpenter, cabinet, ceramics, machine, or sheet metal shops.
- * (g) Contractor's office and storage yard.
- * (h) Vehicle body repair and painting.
- * (i) Dry cleaning establishments.
- * (j) Laboratories, research, experimental and testing.
- * (k) Laundries, linen, towel, diaper, and other similar supplies and services.
- * (l) Parcel delivery stations.
- * (m) Saw and knife sharpening shop.
- * (n) Wholesale bakery.

5.5.3 AUTOMOBILE PARKING AND LOADING FACILITIES - Parking and loading facilities shall be provided in accordance with the provisions of Section 8 of this Ordinance.

** 5.5.4 FLOOR AREA RATIO - The maximum floor area ratio in the C-4 Districts shall be 1.8.

5.5.5 TRANSITIONAL YARDS - Transitional yards shall be provided according to the regulations as set forth in Section 9.7.5 herein.

5.5.6 DESIGN REVIEW - All exterior modifications shall be subject to design review as prescribed in Section 13 of this Ordinance.

*** 5.5.7 LANDSCAPING - All new structures established in this District shall be subject to landscaping requirements as prescribed in Section 13.3 of this Ordinance.

** 5.5.8 BUILDING HEIGHT - No building shall exceed 40 feet in height.

**** 5.5.9 DOWNTOWN PLAN AREA ZONING REGULATIONS - The regulations of Sections 5.5.10 through 5.5.18 shall apply to all land located in any Service

* Added by Ord. #862, 6/10/92.

** Amended by Ord. #784, 2/11/88.

*** Amended by Ord. #641, 1/22/79.

**** Added by Ord. #841, 5/23/91.

Commercial, C-4, District within the Downtown Specific Plan Area as set forth in the Downtown Plan Zoning Policy Map Figure 7.1 (pg. 7.13) and Land Use Policy Map Figure 5.1 (pg. 5.6) together with the general provisions of this Ordinance unless otherwise noted and in the event of conflict these regulations shall prevail.

**

5.5.10 PERMITTED USES

- (a) Any use, which is a Permitted Use identified in Section 5.5.1 of this Ordinance exclusive of dry cleaning and public laundries, food, liquor, and drug stores and retail bakeries and restaurants.

*

5.5.11 CONDITIONAL USES - The following Conditional Uses shall be permitted only when authorized by a Conditional Use Permit issued in accordance with the provisions of Section 11 herein.

- (a) Any use which is a Conditional Use in the Service Commercial District C-4, listed in Section 5.5.2 of this Ordinance.
- (b) Dry cleaning and public laundries; food, liquor and drug stores; and retail bakeries and restaurants.

**

5.5.12 AUTOMOBILE PARKING AND LOADING FACILITIES - Shall be provided in accordance with the provisions of Section 5.3.12 of this Ordinance.

**

5.5.13 FLOOR AREA RATIO - The maximum floor area ratio shall be 0.5.

**

5.5.14 DESIGN REVIEW - Shall be provided in accordance with Section 5.3.14 of this Ordinance.

**

5.5.15 LANDSCAPING - Shall be provided in accordance with Section 5.3.15 of this Ordinance.

**

5.5.16 BUILDING HEIGHT AND BULK - Shall be provided in accordance with Section 5.3.16 of this Ordinance.

**

5.5.17 ARCHITECTURAL THEME ZONES - Shall be provided in accordance with Section 5.3.17 of this Ordinance.

**

5.5.18 RESIDENTIAL SITE DEVELOPMENT STANDARDS - Shall be governed by Section 5.3.18 of this Ordinance.

* Added by Ord. #784, 2/11/88

* * Added by Ord. #841, 5/23/91

- 5.6 EXECUTIVE ADMINISTRATIVE OR E-1 DISTRICTS - The following regulations shall apply to all land located in E-1 Districts and shall be subject to all the general provisions of this Ordinance.

5.6.1 PERMITTED USES

*

- (a) Professional offices limited to the following professions:

Accountant, appraiser, architect, assayer, attorney, auditor
Bacteriologist
Certified Public Accountant
Chemist or laboratory specialist or operator, chiroprapist, chiropractor,
civil engineer, commercial artist
Dental laboratory specialist or operator, dentist, designer
Electrical engineer
Geologist
Hydraulic engineer
Management consultant, medical laboratory specialist or operator, music
autographer, oculist, optician, optometrist, osteopath
Physician
Structural engineer, surgeon, surveyor;

Provided further that the following uses shall NOT be permitted:

Advertising agency
Barber or beauty shop
Collection agency
General business offices
Pest control office
Veterinarian

- (b) A pharmacy provided it is conducted within a medical office building and further provided that the sales of articles shall be limited to drugs, prescription medicines, surgical and medical supplies and such other articles required or recommended by the medical profession.
- (c) Signs as regulated in the Sign Ordinance.
- (d) Accessory uses customarily appurtenant to a Permitted Use.

- 5.6.2 CONDITIONAL USES - The following Conditional Uses shall be permitted upon the granting of a Use Permit in accordance with the provisions of Section 11 of this Ordinance:

* Amended by Ord. #477, 11/8/71

- (a) Administrative and executive offices including banks, mortgage lending institutions, investment securities, title insurance companies, life and casualty insurance companies, real estate offices and other general business offices.
- (b) Private clubs, lodges and fraternal organizations.
- (c) Medical clinic, convalescent hospital.
- (d) Telephone answering exchange, antenna towers and other outdoor equipment essential to the operation of the exchange.
- (e) Studios for arts and crafts, photography and similar uses.
- (f) Public utility and public services uses including electric substations, fire and police stations.
- * (g) Other uses which, in the opinion of the Planning Commission, are similar to those listed permitted uses.

5.6.3 CONDITIONS OF USE - All Permitted Uses and those permitted upon the granting of a Conditional Use Permit in the E-1 District shall be conducted within completely enclosed buildings and any use which creates odor, noise, vibration, smoke or dust in amounts discernible and measurable outside the exterior walls of the building housing such activities shall be prohibited.

5.6.4 SITE AREA, DIMENSION AND COVERAGE LIMITATIONS

- (a) The minimum site area in any E-1 Districts shall be 7,200 square feet, the minimum average width 60 feet and the minimum lot frontage on a street 35 feet.
- (b) MINIMUM YARDS - Each building site shall provide a front yard of not less than 15 feet provided, however, that the sum of the front yard plus one half of the right-of-way of the street on which the site fronts shall not be less than 40 feet; and further provided that no building occupying property fronting on a private road or easement shall be less than 45 feet from the center line of such private road or easement.

A side yard of not less than six feet, except that on corner lots a minimum side yard of 7.5 feet shall be maintained on the street frontage having the greater length; and a rear yard of not less than ten feet.

*Amended by Ord. #477, 11/8/71

(c) FLOOR AREA RATIO - The floor area ratio of buildings and structures shall not exceed 1.5.

(d) BUILDING HEIGHT - The maximum building height shall be two stories or 35 feet.

5.6.6 OFF-STREET PARKING AND LOADING - Facilities shall be provided as required or permitted in Section 8.

5.6.7 DESIGN REVIEW – All uses in the E-1 Districts shall be subject to Design Review as prescribed in Section 13 of this Ordinance.

* 5.7 EXECUTIVE ADMINISTRATIVE OR E-2 DISTRICTS – The following regulations shall apply to all land located in the E-2.1 and E-2.2 Districts and shall be subject to all the general provisions of this Ordinance.

5.7.1 PERMITTED USES

(a) The following uses shall be permitted in any E-2.1 District:

- (1) Administrative, executive, and sales offices, provided no retail merchandise is dispensed on site.
- (2) Financial offices, including banks, mortgage lending institutions, investment securities, title insurance companies, life and casualty insurance companies, real estate offices and other general business offices.
- (3) Professional offices including the professions of accountant, advertising copywriter, appraiser, architect, attorney, auditor, chemical laboratory specialist or operator, dental laboratory specialist or operator, engineer, geologist, medical laboratory specialist or operator, and surveyor.
- (4) Laboratories limited to operations of a research and experimental nature only and excluding all assembly, processing and manufacturing activities. All such research and experimental operations shall be conducted wholly within a building and any uses which create odor, noise, vibration, smoke or dust in amounts discernible or measurable outside the exterior walls of the building housing such activity shall be prohibited.
- (5) Product repair or adjustment provided that such activity shall be clearly incidental to the activities of administrative, executive or sales offices located on the same site; further provided that all such operations shall be conducted wholly within a building and

* Amended by Ord. #790, 5/10/88

any uses which create odor, noise, vibration, smoke or dust in amounts discernible or measurable outside the exterior walls of the building housing such activity shall be prohibited.

- (6) Medical doctor, dentist, radiologist and chiropractor offices, and physical therapists.
 - (7) Signs as classified and regulated in the Sign Ordinance of the City.
- (b) The following uses shall be permitted in the E-2.2 districts:
- (1) Any use which is a permitted use in the E-2.1 district.
 - (2) Warehousing, storage and distribution facilities when located on the same premises as the administrative or executive offices in connection therewith provided that such warehousing shall meet all of the following conditions:
 - a) Materials stored shall be for the purpose of local and regional distribution and such use shall exclude the storage of household goods, furniture or other goods relating to the operation of a moving and storage business.
 - b) Products to be warehoused shall be limited to finished products and merchandise excluding all assembly, processing and manufacturing activities. The storage or warehousing of perishable food-stuffs or the storage of bulk or raw materials is specifically excluded.
 - c) All warehousing shall take place within a fully enclosed building.
 - d) The bulk storage of explosives, and the bulk storage of toxic, radioactive, flammable, and similar hazardous materials is prohibited.
 - (3) Restaurant facilities when located within a building, provided that such restaurant not occupy more than 10% of the area of the floor upon which it is located or 1000 sq. ft., whichever is less, and when such use is intended as an employee-oriented lunch room or cafeteria with no signs oriented to motorists.

5.7.2 CONDITIONAL USES

- (a) The following uses shall be permitted in the E2.1 District upon the granting of a Use Permit in accordance with the provisions of Section 11 of this Ordinance.
 - (1) Public utility buildings and uses and public service structures or installations when found by the Commission to be necessary for public health, safety or welfare.
 - (2) Telephone answering exchange, antenna towers and other outdoor equipment essential to the operation of the exchange.
 - (3) Radio and television broadcasting stations, including antenna towers and other equipment essential to the operation of a station.
 - (4) New buildings.
 - (5) Clinic, Hospital, Sanitarium, or Skilled nursing facility.
 - (6) Other uses which, in the opinion of the Planning Commission, are similar to or compatible with those listed permitted uses.
- (b) The following uses shall be permitted in the E2.2 District upon the granting of a Use Permit in accordance with the provisions of Section 11 of this Ordinance.
 - (1) Any use which is a Conditional Use in the E-2.1 District
 - (2) Product assembly, provided that such activity shall be clearly incidental to the permitted use. Further, all such assembly shall be conducted wholly within an enclosed building. Any assembly which is determined by the Planning Commission to be unduly detrimental or injurious to other properties or uses in the vicinity, or the general public welfare shall be prohibited.

5.7.3 SITE AREA, DIMENSION AND COVERAGE LIMITATIONS

- (a) The minimum site area in any E-2 District shall be 10,000 square feet; the minimum average width 100 feet; and the minimum lot frontage on a street 40 feet.
- (b) FLOOR AREA RATIO - The floor area ratio of buildings and structures shall not exceed 0.45.
- (c) BUILDING HEIGHTS - The maximum height above finish grade of any building wall shall be 28 feet. Buildings shall be limited to two stories not including roof-mounted mechanical enclosures. The total height of all roofs and mechanical enclosures shall not exceed 35 feet measured

vertically from finish grade at each point around the perimeter of the building to their uppermost point at each respective cross-slope section of the building.

- 5.7.4 YARD AREA - All building hereinafter erected or enlarged in any E-2 Districts shall provide a front yard of not less than 30 feet. One- or two-story buildings shall have a side yard of not less than ten feet. Three story buildings shall have a side yard of not less than 15 feet. Rear yards shall be not less than 20 feet.
- 5.7.5 OFF-STREET PARKING AND LOADING - Facilities shall be provided as required or permitted in Section 8.
- 5.7.6 DESIGN REVIEW - All new buildings and exterior modifications shall be subject to design review as prescribed in Section 13 of this Ordinance.
- 5.7.7 DESIGN CRITERIA - In addition to the design standards prescribed by Section 13 of this ordinance the following criteria shall apply to new buildings and building additions over 5000 sq. ft.
- (a) A traffic study shall be required indicating the additional and cumulative traffic impacts to the intersections of Davis Drive, Cipriani Boulevard, Continentals Way, Alameda de las Pulgas, and El Camino Real with Ralston Avenue. The study shall indicate any and all possible mitigations to reduce traffic impacts to these intersections. The project shall be designed or modified to incorporate all traffic mitigation measures determined to be feasible and reasonable by the Planning Commission.
 - (b) Heavy landscape treatment and foundation plantings shall be incorporated around the perimeter of the building to minimize perceived height.
 - (c) At least 15% of the site to be covered with professionally designed and installed landscaping.
 - (d) Submitted plans shall show how the mass and height of the proposed new building or addition provides a transition between any existing building on site and the buildings on adjoining properties. For buildings over one story, shade effects on adjacent properties and buildings shall be shown on submitted plans. Shade effects shall be minimized.
 - (e) The architectural plane of exterior building walls shall be articulated to avoid a monolithic appearance.
 - (f) Roof-mounted mechanical equipment shall be enclosed from public view with the same construction materials used on exterior building surfaces and shall be located toward the center axis of the building and away from the building perimeter.

- (g) Large continuous architectural planes of reflective building materials and glass shall be avoided.
- (h) Buildings with concrete exterior construction shall utilize a wood grain textured finish, or similar texture, to soften the visual impact of this building material.
- (i) Exterior colors of all building materials including glass shall be chosen to maximize compatibility with the residential character of the surrounding community.
- (j) Roofs shall incorporate gable, hip, and/or shed features.